



Appendix F

Cooperative Federal-State Phytosanitary Export Certification Program

Contents

Introduction	page-F-1-1
How a State Enters the Cooperative Program	page-F-1-1
Basic Requirements and Procedures for Nominating State Officials	page-F-1-2
Maintaining the Cooperative Program	page-F-1-4
Sample of an MOU	page-F-1-4

Introduction

The Federal and State Departments of Agriculture participate in cooperative agreements to more effectively perform phytosanitary export certification. The program is expanded to enable designated State cooperators to issue Federal phytosanitary certificates (FPC's) at interior points of origin in the United States.

To get authority to issue FPC's, a State plant regulatory agency must negotiate a Memorandum of Understanding (MOU) with Plant Protection and Quarantine (PPQ), Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA). The MOU is a formal document that specifies the responsibilities and areas of cooperation mutually understood and agreed to by the State and Federal Departments of Agriculture.

How a State Enters the Cooperative Program

To ensure a successful cooperative program for phytosanitary export certification, the following steps must be performed to officially enter the State into the Program.

1. The plant regulatory official of a State Department of Agriculture writes to the Deputy Administrator of PPQ asking to participate in the cooperative program.

2. The written request is processed through the Export Services (ES), Port Operations (PO). ES cooperates with the National Administrative Planning Staff (NAPS) to initiate an MOU between the State and PPQ. One original and three copies of the MOU are sent through the PPQ national region to the State for the plant regulatory official to sign.
3. The plant regulatory official signs all copies of the MOU and returns them to NAPS through the PPQ national region. The MOU becomes effective the day the representative of APHIS signs it. NAPS returns two copies of the MOU to the national region—one copy for the region's files and one copy is sent to the State. NAPS also gives ES a copy. If any additional copies of the MOU are needed, ES is contacted.

Basic Requirements and Procedures for Nominating State Officials

1. Under the MOU, the State is responsible for nominating State officials to be designated as cooperators, or agents, of the program. The nominees must meet or exceed the following basic requirements for the position of an agent, as listed in 7CFR 353.6:
 - ◆ In the crops they are responsible for inspecting, the nominee must have the ability to recognize plant pests, including symptoms and/or signs of disease-causing organisms of concern to importing countries.
 - ◆ The nominee must have a bachelor's degree in the biological sciences, and a minimum of 1 year's experience in identifying plant pests endemic to crops of commercial importance within the cooperating State, or a combination of higher education in the biological sciences and experience in identifying such plant pests as follows:
 - ❖ 0 years education and 5 years experience;
 - ❖ 1 years education and 4 years experience;
 - ❖ 2 years education and 3 years experience;
 - ❖ 3 years education and 2 years experience; or
 - ❖ 4 years education and 1 years experience

The years of education and experience do not have to be acquired consecutively.

- ◆ The nominee must successfully complete annual training provided by the State plant regulatory agency, as described in 7CFR 353.6.

2. The State submits a list of nominees, along with their qualifications to the responsible officer (who might be a Regional Program Manager, a Port Director (PD), or a contact point officer (CPO) who is the direct liaison with the state).
3. After reviewing the list of nominated officials to ensure that the basic requirements are met, the responsible officer forwards the list, along with the qualifications, to ES for final approval.
4. The CPO arranges for the nominated State officials to attend an export certification training course at a mutually agreeable time.
5. ES notifies the responsible officer by telephone when a nominated official is determined to be ineligible for certification as a cooperator because the basic requirements of the MOU are not met.



Training may be given to those State officials ineligible for certification. The training would provide the official with knowledge of Federal regulations that would improve their performance in issuing State phytosanitary certificates. However, they would not be certified to issue the FPC until all the basic requirements are met.

6. A designated export certification trainer presents the training and gives the exam to the nominated State officials, who must achieve a score of 80 percent or better to be certified to issue FPC's.
7. The export certification trainer notifies the Professional Development Center (PDC) of the training results following the responsibilities detailed in the Instructor Guide for Export Certification Training. **PDC is responsible for notifying ES of the training results.**
8. Those State officials who successfully complete the training are designated as cooperators and are sent a numbered letter of designation by ES.

ES will send a cover letter and two copies of the letter of designation along with a self-addressed envelope to the State plant health director (SPHD). A courtesy copy (cc) is sent to the contact point officer or other responsible officer. The SPHD notes the information, (continued) then forwards the two copies, along with the self-addressed envelope, to the State plant regulatory official (SPRO). The SPRO presents the letters and envelope to the State or county cooperator, who signs and returns one copy of the letter to ES. The State or county cooperator must return the signed copy of the letter in the envelope provided by ES.

AT THIS POINT IN THE PROCESS, STATE OFFICIALS ARE
DESIGNATED COOPERATORS CERTIFIED TO ISSUE FPC'S.

Maintaining the Cooperative Program

1. ES maintains a current list of designated State cooperators. If there are questions concerning eligibility, qualifications, or designation of new State officials, direct them to ES.
2. State officials are responsible for notifying the CPO when a designated State cooperator retires or otherwise separates from State employment. The CPO is responsible for contacting ES.
3. State cooperators leaving the program and reentering it later must receive retraining before approval can be given to issue FPC's.

Sample of an MOU

An MOU is a formal document that specifies the responsibilities and areas of cooperation mutually understood and agreed to by the State and Federal Departments of Agriculture. **Figure F-1-1** is a sample of an MOU for all States **except** Colorado, Kentucky, and North Dakota.

Amendments to the MOU must be formally signed by the State plant regulatory official and the representative of APHIS.

APHIS Agreement # XX-XX-XX-XXXX-MU

MEMORANDUM OF UNDERSTANDING
Between the
[INSERT NAME OF COOPERATOR] (STATE)
and
THE UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE (SERVICE)

ARTICLE 1 - PURPOSE

This memorandum provides for cooperative participation between the parties to perform phytosanitary export certification of plants and plant products and to expand the system of issuance of Federal plant export certificates. For the purpose of this memorandum, Federal plant export certificates are defined as Phytosanitary Certificate (PPQ form 577), Export Certificate Processed Plant Products (PPQ form 578), Phytosanitary Certificate for Re-export (PPQ form 579), and Certificate of Heat Treatment (PPQ form 553). Under the expanded system, these listed certificates will be issued at interior United States points of origin, in particular, to cover containerized and door-to-door shipments intended for export. This Memorandum enhances the ability of the Service to provide Federal phytosanitary export certification to customers.

ARTICLE 2 - BACKGROUND

Historically, phytosanitary export certification was performed at points of export by Federal Inspectors. A need arose for certification of commodities at interior points of commodity origin. Representatives of the Service and States developed a Memorandum of Understanding that provided for phytosanitary certification at interior points of the United States by Inspectors from State Departments of Agriculture.

ARTICLE 3 - AUTHORITIES

This Memorandum cancels all previous memoranda for phytosanitary export certification between the parties. APHIS is authorized by the Plant Protection Act, Sec. 431(a), Public Law 106-224, to cooperate with other Federal agencies, the governments of foreign countries, international organizations or associations, states or their political subdivisions, farmer's associations, and other persons to detect, eradicate, suppress, control, and prevent or retard the spread of plant pests or noxious weeds.

ARTICLE 4 - OBJECTIVES

This Memorandum will serve to establish the parties' responsibilities under the cooperative program, and to define in general terms the basis on which the parties concerned will cooperate.

ARTICLE 5 - MUTUAL AGREEMENT

FIGURE F-1-1: Example of a Memorandum of Understanding for the Cooperative Federal-State Phytosanitary Export Certification Program

The cooperating parties agree:

- a. Overall direction and control of this cooperative program is to be maintained by the Service. However, personnel of the State will remain administratively responsible to the State.
- b. The State shall be responsible for conducting inspection and certification in accordance with the policies, directives *and* regulations of the Service and within the scope of the law.
- c. The State will retain administrative responsibilities for its personnel certified to participate in the program.
- d. To only issue Federal plant export certificates for international commerce.

ARTICLE 6 - STATE RESPONSIBILITIES

The state Agrees:

- a. In conducting the Basic Phytosanitary Export Certification Program:
 - (1) To cooperate with the Service in the inspection and certification of plants and plant products for export.
 - (2) To nominate to the Service qualified State inspectors to perform inspection and certification work.
 - (3) That nominees for designation as inspectors under this Memorandum shall meet or exceed the basic requirements as defined in Export Certification regulations, 7CFR 353.6(b).
 - (4) To submit to the Service, for review and concurrence, the names and qualifications covering those personnel nominated for designation as inspectors.
 - (5) that State personnel authorized to issue Federal plant export certificates under this Memorandum shall participate, without cost to the Service, in an orientation and training program conducted by the Service.
- b. In conducting the Phytosanitary Field Inspection of Seed Crops Program:
 - (1) To use only those agents that meet or exceed the basic requirements as defined in Export Certification regulations, 7CFR 353.6(a).
 - (2) To provide agents with training and resources in accordance with 7CFR 353.6(a)(2).

FIGURE F-1-1: Example of a Memorandum of Understanding for the Cooperative Federal-State Phytosanitary Export Certification Program

(3) To terminate, after notification, an agent's participation in the inspection activities when the agent is identified as not following established procedures for proper recording or reporting of pest organisms found.

(4) To monitor inspection activities of designated agents during each growing season in cooperation with the Service.

ARTICLE 7 - APHIS RESPONSIBILITIES

The Service Agrees, in conducting the Basic Phytosanitary Export Certification Program:

- a. To issue a letter of designation as an inspector or agent to those qualified State or county personnel who have complied with the requirements of article 6.
- b. To conduct an orientation and training program for qualified State employees prior to designation.
- c. To provide refresher training every three years for those qualified State employees designated as inspector.
- d. To provide designated inspectors with an Export Certification Manual and such other information as is necessary and appropriate for the proper certification of products to be exported.
- e. To provide program oversight by conducting field audits of facilities and personnel to ensure conformance with APHIS regulations, policies and procedures.

ARTICLE 8 - FINANCIAL OBLIGATION

This Memorandum does not constitute a financial obligation to serve as a basis for expenditures. Each signatory party is to use and manage its own funds in carrying out the purpose of this Memorandum. No transfer of Federal funds will be involved under this Memorandum.

ARTICLE 9 - LIMITATION OF COMMITMENT

The responsibilities assumed by each of the cooperating parties are contingent upon funds being available from which the expenditures may legally be met. This Memorandum and any continuation thereof shall be contingent upon the availability of funds appropriated by the congress of the United States. It is understood and agreed that any moneys allocated for purposes covered by this Memorandum shall be expended in accordance with its terms and in the manner prescribed by the fiscal regulations and/or administrative policies of the party making the funds available. If fiscal resources are to transfer, a separate agreement must be developed by the parties.

FIGURE F-1-1: Example of a Memorandum of Understanding for the Cooperative Federal-State Phytosanitary Export Certification Program

ARTICLE 10 - CONGRESSIONAL RESTRICTION

Under 41USC 22, no member of or delegate to, or Commissioner appointed by Congress shall be permitted to share in any part of this Memorandum or to derive benefit from it, unless the sharing and benefit was made for the benefit of the general public.

ARTICLE 11 - AMENDMENTS

This Memorandum may be amended at any time by mutual agreement of the parties in writing.

ARTICLE 12 - TERMINATION

This Memorandum may be terminated by either party upon thirty (30) days written notice to the other party.

ARTICLE 13 - EFFECTIVE DATE AND DURATION

This Memorandum of Understanding will be in effect upon date of final signature and will continue for 5 years from that date.

XXXXXXXXXX STATE DEPARTMENT OF AGRICULTURE

Date

**UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE**

Date

FIGURE F-1-1: Example of a Memorandum of Understanding for the Cooperative Federal-State Phytosanitary Export Certification Program

MEMORANDUM OF UNDERSTANDING PHYTOSANITARY EXPORT CERTIFICATION	
NORTHEASTERN REGION	
Connecticut Agriculture Experiment Station	12-34-82-0006-MU
Delaware Department of Agriculture	
Illinois Department of Agriculture	
Indiana Department of Natural Resources	
Maine Department of Agriculture	
Maryland Department of Agriculture	
Massachusetts Department of Agriculture	
Michigan Department of Agriculture	12-34-82-0005-MU
Minnesota Department of Agriculture	
New Hampshire Department of Agriculture	
New Jersey Department of Agriculture	
New York Department of Agriculture and Markets	
Ohio Department of Agriculture	
Pennsylvania Department of Agriculture	
Rhode Island Department of Natural Resources	
Vermont Department of Agriculture	
Virginia Department of Agriculture and Commerce	
West Virginia Department of Agriculture	
Wisconsin Department of Agriculture	
SOUTHEASTERN REGION	
Florida Department of Agriculture and Consumer Services	
Georgia Department of Agriculture	
Kentucky, University of; College of Agriculture	
Kentucky, University of; College of Agriculture (Seed Crops)	
Mississippi Department of Agriculture and Commerce	
North Carolina Department of Agriculture	
South Carolina Crop Pest Commission	
Tennessee Department of Agriculture	

FIGURE F-1-2: List of States with active Memorandums of Understanding (MOU's)

SOUTH CENTRAL REGION	
Arkansas State Plant Board	
Iowa Department of Agriculture	
Kansas State Board of Agriculture	
Louisiana Department of Agriculture	
Missouri Department of Agriculture	
Nebraska Department of Agriculture	
Oklahoma Department of Agriculture	
Texas Department of Agriculture	
WESTERN REGION	
Alaska Department of Agriculture	
Arizona Department of Agriculture	12-34-85-0027-MU
California Department of Food and Agriculture	
Colorado Department of Agriculture	
Idaho Department of Agriculture	12-34-85-0077-MU
Montana Department of Agriculture	
New Mexico Department of Agriculture	
Nevada Department of Agriculture	12-34-85-0154-MU
North Dakota Department of Agriculture	
North Dakota State Seed Department	12-34-85-0003-MU
Oregon Department of Agriculture	12-34-85-0042-MU
South Dakota Department of Agriculture	
Utah Department of Agriculture	
Washington Department of Agriculture	
Wyoming Department of Agriculture	12-34-85-0002-MU

FIGURE F-1-2: List of States with active Memorandums of Understanding (MOU's)